

1 Honorable Thomas S. Zilly
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 FAIR HOUSING CENTER OF
WASHINGTON,

10 Plaintiff,

11 v.

12 BREIER-SCHEETZ PROPERTIES, LLC, a
Washington corporation; and FREDERICK
13 BREIER-SCHEETZ, an individual,

14 Defendants.

No. 2:16-cv-00922-TSZ

PLAINTIFF'S SECOND PETITION FOR
AN ORDER TO SHOW CAUSE WHY
DEFENDANTS SHOULD NOT BE HELD
IN CIVIL CONTEMPT AND FOR
ACTUAL AND PUNITIVE DAMAGES
AND OTHER RELIEF

NOTE ON MOTION CALENDAR:
October 19, 2018

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16 NOW COMES THE PLAINTIFF, the Fair Housing Center of Washington, and hereby
17 moves this Honorable Court for entry of a Second Order to Show Cause why defendants Breier-
18 Scheetz Properties, LLC and Frederick Breier-Scheetz should not be held in contempt of court
19 for violating this Court's injunction entered October 6, 2017 [Docket Entry 61] as reaffirmed by
20 Order dated August 29, 2018 [Docket Entry 91].

21 In an extraordinary display of contempt for the law and for this Court's orders, the
22 Defendants continue to maintain their policy of prohibiting a woman with a child from renting an
23 efficiency apartment at the Granada. On September 26, 2018 at 3:46 pm, the Fair Housing
24 Center of Washington once again tested Granada Apartments to see if it has finally complied
25 with this Court's rulings. It has not.

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PLAINTIFF'S SECOND PETITION FOR AN ORDER
TO SHOW CAUSE WHY DEFENDANTS
SHOULD NOT BE HELD IN CIVIL CONTEMPT
No. 2:16-cv-00922-TSZ

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MACDONALD HOAGUE & BAYLESS
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Tel 206.622.1604 Fax 206.343.3961

1 **The Efficiency Apartment Test – September 26, 2018**

2 On September 26, 2018, at 3:46 pm, Tester #502 called the rental office of the Granada
 3 Apartments. The call was immediately answered by a female who identified herself as “Suzie”
 4 and stated that she was the manager. The Tester identified herself by name and stated that she
 5 was looking to find a studio apartment for herself and her son. The manager stated that there
 6 were no studios available and even if there were, they would not be rented to two people. She
 7 went on to say the property was a small family owned business and the owner made the decision
 8 not to rent a studio to two people. The Tester inquired if it would make a difference if her son
 9 was a “little guy.” Suzie said that would not make a difference. She went on to say the
 10 management has found that when a studio is rented to two people they tend to not stay long. The
 11 conversation ended at 3:47 pm and the Tester prepared her written test report at 4:30 pm that
 12 same day. The Sworn Declaration of Tester #502 is attached hereto as Exhibit 1.

13 This blatant violation of this Court’s orders comes after one civil contempt petition has
 14 already been filed and after this Court by Order dated August 29, 2018, granted Plaintiff’s
 15 Petition for an Order to Show Cause, upheld the validity of the injunction entered almost one
 16 year ago on October 6, 2017, and refused to stay its enforcement.

17 It is now apparent that nothing short of incarceration will compel the Defendants to
 18 comply with the law and respect this Court’s orders. Plaintiff respectfully requests that this
 19 Court grant their Second Petition for an Order to Show Cause why Defendants should not be
 20 held in contempt; schedule a hearing on the two contempt petitions; and upon a finding that the
 21 Defendants have willfully violated this Court’s Orders, award Plaintiff additional punitive

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1 damages in the amount of \$5,000,000 (since the threat of a \$1,000,000 award did not change its
2 conduct) and incarcerate Defendant Frederick Breier-Scheetz until such time as he has complied
3 with this Court's Orders.

4 DATED this 4th day of October, 2018.

5 MacDONALD HOAGUE & BAYLESS

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7 By: /s/ Jeffrey L. Taren
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CERTIFICATE OF SERVICE

I certify that on the date noted below I electronically filed this document entitled *Plaintiff's Second Petition for An Order To Show Cause Why Defendants Should Not Be Held In Civil Contempt and For Actual and Punitive Damages and Other Relief* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

George T. Hunter: gthunter7700@gmail.com

Dated: October 4, 2018

/s/ Jeffrey L. Taren

Jeffrey L. Taren, WSBA #50275

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